

Message Text

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ACTION IO-10

INFO OCT-01 AGR-05 RSC-01 AID-05 EB-07 EUR-12 COME-00

ISO-00 TRSE-00 SWF-01 IOE-00 L-02 AF-04 ARA-06 EA-06

NEA-06 SP-02 NSC-05 CIEP-01 SS-15 STR-01 OMB-01

CEA-01 H-01 PA-01 PRS-01 USIE-00 OIC-02 FRB-01 TAR-01

CIAE-00 INR-05 LAB-01 NSAE-00 SIL-01 SSO-00 NSCE-00

INRE-00 /106 W

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FM AMEMBASSY ROME

TO SECSTATE WASHDC IMMEDIATE 8367

INFO USMISSION USUN NEW YORK

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FODAG

E.O. 11652: N/A

TAGS: FAO, OCON, UN, EAGR

SUBJECT: FAO COUNCIL: LEGAL DIFFICULTIES WITH DRAFT COUNCIL
RESOLUTIONS ON FOOD SECURITY UNDERTAKING

FOR DEPUTY LEGAL ADVISOR FELDMAN PASS EB FOR PLACKE

1. OPERATIVE PARGRAPH ONE OF DRAFT COUNCIL RESOLUTION ON UNDERTAKING
STATES THAT THE COUNCIL "ADOPTS THE INTERNATIONAL UNDERTAKING ON
WORLD FOOD SECURITY...".

2. USDEL CONSULTED WITH FAO LEGAL ADVISOR CONTINI WHO POINTED OUT
THAT OPERATIVE PARAGRAPH THREE OF RESOLUTION 3:73 ON WORLD FOOD
SECURITY OF THE FAO CONFERENCE REQUESTS THE DIRECTOR-GENERAL TO
TRANSMIT THE TEXT AS "ADOPTED" BY THE CCP AND THE COUNCIL. THEREFORE,
DESPITE FACT WFC MERELY "ENDORSED" OBJECTIVES, POLICIES AND GUIDELINE
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CONTAINED IN THE UNDERTAKING, THE SECRETARIT FEELS BOUND TO USE THE WORD "ADOPT" IN PRESENT DRAFT COUNCIL RESOLUTION. CONTINI THEN EXPLAINED THAT TEXTS OF RESOLUTIONS ADOPTED BY COUNCIL ARE NOT LEGALLY BINDING AND IN ANY CASE IMPORTANT POINT FOR US IS LANGUAGE OF OPERATIVE PARAGRAPH TWO WHICH INVITES MEMBERS TO "SIGNIFY THEIR READINESS TO ADOPT OBJECTIVES, POLICIES AND GUIDELINES CONTAINED IN UNDERTAKING."

3. CONTINI ALSO POINTED OUT THAT LANGUAGE CONTAINED IN PREAMBLE TO WFC RESOLUTION II (SECOND COMMITTEE) RECORDS THE "VOLUNTARY NATURE" OF THE UNDERTAKING.

4. WE INTEND PROPOSE ADDING REFERENCE TO THIS WFC RESOLUTION TO PREAMBULAR PARAGRAPH OF DRAFT COUNCIL RESOLUTION, WHICH ALREADY NOTES FINDINGS AND RECOMMENDATIONS OF AD HOC WORKING PARTY AND 49TH SESSION OF CCP. UNLIKELY WE WILL OBTAIN COUNCIL AGREEMENT TO SUBSTITUTE "ENDORSE" FOR "ADOPT" IN OPERATIVE PARAGRAPH ONE. UNLESS INSTRUCTED OTHERWISE, PROPOSE MAKE STATEMENT OF OUR UNDERSTANDING REGARDING CONTINI'S INTERPRETATION OF WORD "ADOPT", AND AGREE TO COUNCIL RESOLUTION AS DRAFTED BY FAO SECRETARIAT WITH ADDITIONAL REFERENCE CITED ABOVE. VOLPE

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Message Attributes

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Concepts: WORLD FOOD CONFERENCE, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 NOV 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Review Exemptions: n/a
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EO Systematic Review
30 JUN 2005

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